

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:09CR3019
)	
v.)	
)	
CLARENCE D. HERGERT,)	MEMORANDUM AND ORDER
)	
Defendant.)	
_____)	

The defendant has moved to continue the pretrial motion deadline currently set for November 15, 2010. Filing No. 41. Defense counsel explains they need additional time to review discovery and prepare the motion. Based on the showing set forth in the defendant's motion, the court finds the motion should be granted.

IT IS ORDERED:

- 1) The defendant's unopposed motion to continue, (filing no. 41), is granted and the defendant's pretrial motions and briefs shall be filed on or before November 22, 2010.
- 2) The ends of justice will be served by granting defendant's motions to continue the pretrial motion deadline, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between **November 10, 2010** and **November 22, 2010**, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

- 3) The trial of this case remains set to commence on February 7, 2011 before Judge Kopf.

DATED this 10th day of November, 2010.

s/ Cheryl R. Zwart
United States Magistrate